

Telecommuting Policy

Purpose

The purpose of this policy is to establish a telecommuting program for the U.S. House of Representatives and to set forth the guidelines and rules for employing offices that choose to establish their own telecommuting program.

Telecommuting is entirely at the discretion of the employing office. An employing office is under no obligation to offer a telecommuting option to employees. Telecommuting is not a right or benefit.

Termination/Suspension of Telecommuting

The employing office may terminate the telecommuting program for any reason, at any time.

The employing office may cancel or suspend an individual telecommuting agreement at any time.

Definitions

Telecommuting

is a working arrangement, mutually agreed upon by the employee and the employing office, whereby the employee works at an alternative work site on specified days and/or for specified hours.

Central Work Site

is the primary, traditional workplace, the employee's official duty station, that serves as the business address for the employing office. In the event that there is more than one business address for the employing office, the central work site is that to which the employee is assigned for the purpose of meeting with supervisors, co-workers and clients.

Alternative Work Site

is a location other than the central work site that has been approved by the employing office for use by qualified employees as a location from which the employees may telecommute (e.g., residence or telecommuting center). The alternative work site may not be a political, campaign, or commercial office.

Employment Status

Telecommuting is an option of the employing office rather than an employee benefit, and it does not change the terms and conditions of employment. The

telecommuting employee remains at will and serves at the pleasure of the employing office. Accordingly, the employee has the right to resign from the position at any time, and the employing office can terminate the employment relationship, with or without cause, or with or without notice, at any time, except that the employing office cannot terminate employment for discriminatory reasons in violation of applicable federal law or Rules of the House of Representatives.

Participation and Pre-Conditions

The employing office will establish employee selection criteria and select eligible employees. Only employees may participate in a telecommuting program.

Telecommuting employees are required to sign a Telecommuting Agreement prior to participation in the employing office's telecommuting program.

The considerations for selection may include:

- employee work habits: the employee must have a demonstrated ability to work without direct supervision, must be organized, disciplined, able to work independently, meet deadlines, and manage distractions;

- employee job responsibilities: the position must be one which requires minimum levels of supervision;

- the employee's need for specialized materials and/or equipment must not pose an undue hardship upon the employing office;

- the employee's assignments and duties must be such that there is no difference in the level of service provided to or by the employing office as a result of the telecommuting arrangement; and

- telecommuting may not adversely affect the employee's job performance or affect the duties and responsibilities of co-workers.

Generally, telecommuting is not suitable for new employees, employees who require close supervision, or employees who require interaction with co-workers.

Alternative Work Site

The telecommuting employee should have a clean, safe room or area that is

designated for the performance of official duties.

Health and Safety

The alternative work site must be assessed by the employing office to be safe and suitable for telecommuting purposes. The Health and Safety Questionnaire created by the Office of Compliance provides guidance on relevant health and safety issues. The employee is responsible for completing the Health and Safety Questionnaire created by the Office of Compliance and forwarding it to the employing office. The employee also may be required to allow the General Counsel of the Office of Compliance to inspect the work site as part of the Office of Compliance's Safety and Health Inspection or investigations.

The primary responsibility for the personal safety of the employee, regardless of work site, remains with each individual employee. The alternative work site must be in compliance with applicable health and safety regulations. If the alternative work site is a private home, telecommuting employee is responsible for ensuring that the home complies with health and safety requirements.

The employing office may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on the existence or suspected existence of unsafe working conditions or hazardous materials in or at the alternative work site. The employing office may also have the alternative work site inspected for compliance with health and safety requirements. Inspections will be by appointment only.

Telecommuting employees should follow basic safety precautions, including but not limited to:

- avoiding obstructions in the workplace;
- maintaining a clean workplace;
- eliminating trip-and-fall hazards;
- ensuring proper lighting, ventilation, and furniture; and
- taking fire safety precautions (e.g., smoke detectors);

If an employee incurs a work-related injury while telecommuting, workers' compensation law and rules apply. A telecommuting employee must notify their employing office immediately and complete all necessary and/or employing office requested documents regarding the injury.

In the event of a job-related incident or accident during telecommuting working hours, the employee must immediately report the incident to the employee's supervisor. The employee must allow agents of the employing office to investigate and/or inspect the alternative work site in the event of injury, theft, loss, or tort liability related to the telecommuting work arrangement.

Meetings

Unless permitted by the employing office, the telecommuting employee may not meet with clients, customers, the public, professional colleagues or other staff members the public at his or her alternative work site. Official meetings whenever possible should be scheduled in a public place.

Insurance and Taxes

Employees are advised to consult with their insurance agent and a tax consultant for information regarding home-work sites. Individual tax implications, auto and homeowner's insurance, and incidental residential utility costs are the responsibility of the employee.

Care of Dependents

Care of dependents should not interfere with a telecommuting employee's ability to perform official duties commensurate with the compensation received from the offices of the employing authority.

Costs

Only specifically authorized telecommuting expenses are reimbursable. If the employing authority has authorized the telecommuter to conduct work at a fee-based telecommuting center, charges related to use of such centers are reimbursable.

Telephone calls and telecommunications charges are reimbursable in accordance with Committee on House Administration regulations.

Ordinary and necessary office supplies are reimbursable.

Use of Franked Mail

The employing authority (Member, Chairman, Officer) must account for any mail sent under the frank from an alternative work site on a Certification of Franked Mail (<http://onlinecao.house.gov/postalops/districtmail.htm>) form. Each telecommuting employee must complete this form on a monthly basis and forward it to the central work site on the last business day of the month. The completed form must be filed with the Office of Postal Operations by the second business day of the following month. The completed certification must bear the employing authority's original signature certifying its accuracy. In the case of a Member office, the information on the form should be incorporated into the consolidated certification covering all of the Member's district offices and/or alternative work sites.

Supplies and Equipment

The employing office may provide ordinary and necessary office supplies to the telecommuting employee.

Except for telecommuters utilizing commercial or government telecommuting centers, the telecommuting employee may only use computer hardware and software supplied by the House. The House retains ownership and control of any and all hardware, software, equipment, data or documents placed in alternative work site. Only portable (e.g., desktop or laptop computers, portable facsimile machines, and portable copiers) House equipment may be transferred to the alternative work site.

Employees using commercial or government telecommuting centers may utilize equipment provided at such centers. Use of computers at such centers is governed by applicable House policies. To assist with this process, users are required to follow House Information Resources information security precautions and network computer configuration guidelines.

Telecommuting employees shall be in compliance with all House policies and employing office guidelines for uses of computer hardware and software, including:

- installing virus and surge protection on home computers;
- compliance with software licensing provisions;

- duplication of employing office-owned or licensed software;
- maintaining system security;
- access to files; and
- use of passwords.

The employing office may pursue recovery from the employee for employing office property that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the employee's care, custody, or control. The employee is responsible for reimbursement for theft, damage or destruction of employing office property at the alternative work site.

The employing office shall maintain a central inventory of the office equipment and software issued to the telecommuting employee for use at the alternative work site. All employing office equipment and software used at the alternative work site must be noted on the Telecommuting Agreement.

Maintenance, Repair and Replacement

Maintenance, repair, and replacement of equipment belonging to the House of Representatives issued to telecommuters will be the responsibility of the employing office. Note: Such maintenance, repair and replacement only covers normal use and wear it does not cover maintenance, repair or replacement of equipment that is damaged or altered as a result of negligence or deliberate action, destruction, loss or theft.

In the event of equipment malfunction, the telecommuting employee must notify his/her supervisor immediately. All repairs to equipment belonging to the House of Representatives must be conducted at the central work site. The telecommuting employee is responsible for returning malfunctioning equipment to the central work site for repair. Vendors, contractors, and employees of the Officers of the House may not be sent to the telecommuting site. If repairs will take some time, the telecommuter may be asked to report to the central work site until the equipment is usable.

Repair and/or replacement costs for privately owned equipment and furniture used during telecommuting are the responsibility of the employee.

Applicable Rules and Regulations

An employee with a telecommuting work arrangement is covered by the same rules, regulations and procedures applicable to all employees of the employing office, including those set forth in Committee on House Administration regulations, the employing office's employee manual, the Rules of the House of Representatives, applicable federal laws, and the guidance of the House Committee on Standards of Official Conduct. Violation of any of these rules, regulations, procedures or laws may result in disciplinary action up to and including

termination of employment.

Work schedules must comply with the Congressional Accountability Act and regulations promulgated there under.

Confidentiality and Security

Products, documents, and records used and/or developed while telecommuting shall remain the property of the employing office, and are subject to House and employing office policies regarding confidentiality and records retention requirements.

An employee served with a subpoena for employing office or House documents or files located at the alternative work site remains bound by House Rule VIII, and should contact the Office of General Counsel, (202) 225-9700, for guidance.

Restricted-access materials shall not be taken out of the central work site or accessed through the computer at the alternative work site unless approved in advance and in writing by the supervisor.

Electronic products, documents and records used and/or developed or revised while telecommuting must be copied or restored to the employing office's computerized records. Electronic records and files temporarily stored on the employee's personal computer must be stored in such a manner that will allow the employing office easy access. It is suggested that telecommuting employees use House network shared drives to save information, rather than local hard disk drives or diskettes.

For telecommuting jobs that have security and/or confidentiality requirements, procedures must be established to guarantee protection of confidential information. Procedures may include a locked or secure workplace, computer access passwords, or restricted use of files at the alternative work site.

Liability for Damages

The House of Representatives will not be liable for damages to a telecommuting employee's personal or real property during the course of performance of official duties or while using House equipment in the employee's alternative work site unless there is liability under the Federal Tort Claims Act or a claim made under the Military Personnel and Civilian Claims Act is deemed reimbursable.

